GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2349
ANSWERED ON:09.08.2005
AMENDMENT IN CRIMINAL PROCEDURE CODE
Yadav Shri Sita Ram

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government proposes to amend the criminal procedure code particularly to de-congest the Jails throughout the country;

(b) if so, the details thereof; and

(c) the time by which such amending legislation is likely to be enacted?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY)

(a) to (c): The Code of Criminal Procedure, 1973 recently amended vide the Code of Criminal Procedure (Amendment) Act, 2005 inter alia has, the following provisions:

(i) Section 436 (1) of the Code of Criminal Procedure, has been amended to make a mandatory provision that if the arrested person is accused of a bailable offence and he is an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without sureties.

(ii) a new section 436A has been inserted in the Code of Criminal Procedure to provide that where an under trial prisoner other than the one accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment provided for the alleged offence, he should be released on his personal bond, with or without sureties. It also provides that in no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence.

The above provisions when enforced are expected to result in decongestion of jails throughout the country.